

**SENATE JOURNAL
63RD LEGISLATURE
EIGHTY-THIRD LEGISLATIVE DAY**

Helena, Montana
April 19, 2013

Senate Chambers
State Capitol

Senate convened at 1:01 p.m. President Essmann presiding. Invocation by Father Jerry Lowney. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

BILLS AND JOURNALS (Buttrey, Chair):

4/19/2013

Mr. President: We, your committee on Bills and Journals, having examined the daily journals for the seventy-first through seventy-fifth legislative days, find the same to be correct.

Correctly printed: **SB 410, SJR 38, SR 40, SR 49, SR 55, SR 61, SR 62, SR 72, SR 77, HB 48, HB 74, HB 284, HB 417, HB 457.**

Correctly enrolled: **SB 23, SB 44, SB 370, SJR 14, SJR 15, SJR 20, SJR 22, SJR 23, SJR 24, SR 43, SR 46, SR 48, SR 51, SR 52, SR 53, SR 56, SR 57, SR 59, SR 60.**

Examined by the sponsor and found to be correct: **SB 23, SB 44, SB 117, SB 162, SB 196, SB 217, SB 226, SB 231, SB 240, SB 386, SB 401, SJR 14, SJR 15, SJR 20, SJR 23, SR 46, SR 48, SR 56, SR 57, SR 59.**

Signed by the Secretary of the Senate at 4:25 p.m., April 18, 2013: **SB 28, SB 108, SB 355.**

Signed by the President at 10:15 a.m., April 19, 2013: **SB 28, SB 108, SB 355.**

Delivered to the Secretary of State at 9:36 a.m., April 19, 2013: **SR 32, SR 63.**

REPORTS OF STANDING COMMITTEES

AGRICULTURE, LIVESTOCK AND IRRIGATION (Brown, Chair):

4/18/2013

HJR 26, be concurred in. Report adopted.

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Sonju, Chair):

4/12/2013

SR 64, be adopted. Report adopted.

SR 65, be adopted. Report adopted.

SR 66, be adopted. Report adopted.

HIGHWAYS AND TRANSPORTATION (Arntzen, Chair):

4/19/2013

SR 75, be adopted. Report adopted.

JUDICIARY (Murphy, Chair):

4/16/2013

SR 67, be adopted. Report adopted.

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FINANCE AND CLAIMS (Ripley, Chair):
SR 74, preliminary report, be adopted. Report adopted.

4/19/2013

REPORTS OF SELECT COMMITTEES

CONFERENCE COMMITTEE
on House Amendments to **Senate Bill 256**
Report No. 001, April 19, 2013

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered House amendments to **Senate Bill 256** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **Senate Bill 256** (reference copy -- salmon) be amended as follows:

1. Page 3, line 19.

Strike: "ENTERING"

Insert: "migrating into"

2. Page 6, line 7.

Strike: "ENTERING"

Insert: "migrating into"

For the Senate:

Moore, Chair

Hamlett

Sales

For the House:

Randall, Vice Chair

Peppers

Redfield

CONFERENCE COMMITTEE
on Senate Amendments to **House Bill 100**
Report No. 001, April 18, 2013

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered Senate amendments to **House Bill 100** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **House Bill 100** (reference copy -- salmon) be amended as follows:

1. Page 1, line 26.

Strike: "FIXED-FEE"

Insert: "cost-and-benefit-based incentive"

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Strike: "NOT TO EXCEED \$300 PER MONTH"

Insert: "in an amount approved by the 2015 legislature"

2. Page 2, line 6.

Strike: "FIXED-FEE"

Insert: "cost-and-benefit-based incentive"

3. Page 2, line 7.

Strike: "AND"

4. Page 2, line 8.

Strike: " "

Insert: "; (iii) integration and coordination of care;

(iv) the development and use of individualized treatment plans; and

(v) efforts to ensure recovery and permanent placement for children who are receiving medicaid mental health services or who are in foster care under the supervision of the state.

(4) The legislature shall review the results of the pilot project to determine whether:

(a) the project should be continued or expanded; and

(b) modifications are needed before the pay-for-performance model is expanded to include additional children, providers, or services."

5. Page 3, line 14.

Strike: "NINE"

Insert: "14"

6. Page 3, line 15.

Strike: "THREE"

Insert: "eight"

7. Page 3, line 23.

Strike: "ONE PROVIDER"

Insert: "three providers"

8. Page 3, line 24.

Strike: "ONE"

Insert: "three"

9. Page 3, line 25.

Strike: "AND"

Insert: "(b) two family members of children who have received medicaid mental health services;

(c) one representative of the Montana university system who has experience in measuring outcomes for children; and"

10. Page 3, line 30.

Strike: "(B)"

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Insert: "(d)"

11. Page 4, line 22.

Strike: "FIXED-FEE"

Insert: "cost-and-benefit-based incentive"

12. Page 4, line 22 through line 23.

Strike: "NOT TO EXCEED" on line 22 through "MONTH" on line 23

Insert: "that is formulated using performance-based and cost-and benefit-based analysis principles"

For the Senate:
Thomas, Chair
Jergeson
Priest

For the House:
Ehli, Vice Chair
Hagstrom
Noonan

FREE CONFERENCE COMMITTEE
on **House Bill 297**
Report No. 001, April 18, 2013

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **House Bill 297** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **House Bill 297** (reference copy -- salmon) be amended as follows:

1. Title, page 1, line 13.

Following: "AUTHORITY;"

Insert: "AMENDING SECTION 1-1-411, MCA;"

2. Page 6, following line 3.

Insert: "**Section 8.** Section 1-1-411, MCA, is amended to read:

"1-1-411. Certain state services denied to ~~illegal~~ unauthorized aliens. (1) To the extent allowed by federal law and the Montana constitution and notwithstanding any other state law, a state agency may not provide a state service to an ~~illegal~~ unauthorized alien and shall comply with the requirements of this section.

(2) To determine whether an applicant for a state service is an ~~illegal~~ unauthorized alien, the agency may use the systematic alien verification for entitlements program provided by the United States department of homeland security or any other lawful method of making the determination.

(3) A state agency shall notify appropriate personnel in immigration and customs enforcement under the United States department of homeland security or its successor of any ~~illegal~~ unauthorized alien applying for a state service.

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(4) An agency shall require a person seeking a state service to provide proof of United States citizenship or legal alien status.

(5) A state agency shall execute any written agreement required by federal law to implement this section.

(6) As used in this section, the following definitions apply:

(a) "Agency" means a department, board, commission, committee, authority, or office of the legislative or executive branches of state government, including a unit of the Montana university system.

(b) ~~Illegal~~ "Unauthorized alien" means an individual who is not a citizen of the United States and who ~~has unlawfully entered or remains unlawfully in the United States~~ is not a "qualified alien" pursuant to 8 U.S.C. 1641.

(c) "State service" means a payment of money, the grant of a state license or permit, or the provision of another valuable item or service under any of the following programs and provisions of law:

- (i) employment with a state agency;
- (ii) qualification as a student in the university system for the purposes of a public education, as provided in 20-25-502;
- (iii) student financial assistance, as provided in Title 20, chapter 26;
- (iv) issuance of a state license or permit to practice a trade or profession, as provided in Title 37;
- (v) unemployment insurance benefits, as provided in Title 39, chapter 51;
- (vi) vocational rehabilitation, as provided in Title 53, chapter 7;
- (vii) services for victims of crime, as provided in Title 53, chapter 9;
- (viii) services for the physically disabled, as provided in Title 53, chapter 19, parts 3 and 4;
- (ix) a grant, as provided in Title 90."

Renumber: subsequent sections

For the Senate:
Sonju, Chair
Dee Brown
Vuckovich

For the House:
Howard, Vice Chair
Eck
Lenz

FREE CONFERENCE COMMITTEE
on **House Bill 345**
Report No. 001, April 18, 2013

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **House Bill 345** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **House Bill 345** (reference copy -- salmon) be amended as follows:

1. Title, page 1, line 8.

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Following: ";

Insert: "PROVIDING A REPORTING REQUIREMENT;"

2. Page 2, line 21.

Strike: "\$6,000"

Insert: "\$5,500"

3. Page 2, line 22.

Strike: "\$12,000"

Insert: "\$11,000"

4. Page 3, line 19.

Strike: "\$6,000"

Insert: "\$5,500"

Strike: "\$12,000"

Insert: "\$11,000"

5. Page 5

Following: line 11

Insert: "(8) The amount of the civil penalty set forth in subsections (1) and (2) must be adjusted for inflation in a manner consistent with the Federal Civil Penalties Inflation Adjustment Act of 1990, Public Law 101-410."

Renumber: subsequent subsection

6. Page 9, line 2.

Following: line 2

"NEW SECTION. Section 7. Reporting. Beginning February 15, 2014, and by February 15 of each year, the attorney general shall submit to the law and justice interim committee a report containing the following information:

(1) the number of cases filed under the Montana False Claims Act, Title 17, chapter 8, part 4, that were pending in the state during the previous calendar year;

(2) the number of cases filed under the Montana False Claims Act that were settled during the previous calendar year;

(3) the number of cases filed under the Montana False Claims Act in which judgment was entered during the previous calendar year;

(4) the total proceeds paid to the state and the total proceeds paid to the qui tam plaintiffs in cases filed under the Montana False Claims Act during the previous calendar year; and

(5) the number of qui tam cases pending in other jurisdictions involving the state in the previous calendar year."

Renumber: subsequent sections

For the Senate:
Wittich, Chair
Fielder
Jent

For the House:
C. Smith, Vice Chair
Fitzpatrick
Steenberg

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MESSAGES FROM THE GOVERNOR

April 18, 2013

The Honorable Jeff Essmann
President of the Senate
State Capitol
Helena, MT 59620

Dear President Essmann:

On Thursday, April 18, 2013, I signed and delivered the following Senate bills to the Secretary of State:

Senate Bill 88 - Dick Barrett
Senate Bill 107 - Facey
Senate Bill 245 - Arthun
Senate Bill 278 - Peterson
Senate Bill 306 - Olson

Sincerely,

STEVE BULLOCK
Governor

MESSAGES FROM THE OTHER HOUSE

Senate bill concurred in and returned to the Senate: 4/18/2013
SB 370, introduced by Essmann

Senate joint resolutions concurred in and returned to the Senate: 4/18/2013
SJR 14, introduced by Olson
SJR 15, introduced by Fielder
SJR 20, introduced by Webb
SJR 22, introduced by Jent
SJR 23, introduced by Tutvedt
SJR 24, introduced by Buttrey

Senate bill concurred in as amended and returned to the Senate for concurrence in House amendments: 4/18/2013
SB 173, introduced by Keane

Governor's amendments to Senate bill not concurred in, returned to the Senate: 4/18/2013
SB 105, introduced by T. Brown

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Senate bill not concurred in and returned to the Senate: 4/17/2013
SB 143, introduced by Brenden

House joint resolutions passed and transmitted to the Senate for concurrence: 4/18/2013
HJR 25, introduced by Reichner
HJR 27, introduced by Williams
HJR 29, introduced by Gursky
HJR 30, introduced by Hansen

Senate amendments to House bills concurred in: 4/18/2013
HB 363, introduced by Berry
HB 582, introduced by Hertz
HB 583, introduced by Cook

Governor's amendments to House bill not concurred in and transmitted to the Senate for consideration of Governor's amendments: 4/18/2013
HB 8, introduced by Cook

Governor's amendments to House bill concurred in and transmitted to the Senate for concurrence in the Governor's amendments: 4/17/2013
HB 562, introduced by Swanson

MOTIONS

Senator Wittich moved the Conference Committee on **SJR 18** be dissolved and that a **Free** Conference Committee be appointed. Without objection, so ordered. President Essmann appointed: 4/19/2013

Senator Thomas, Chair
Senator Dick Barrett
Senator Rosendale

Senator Wittich moved the Conference Committee on **HB 120** be dissolved and that a **Free** Conference Committee be appointed. Motion Carried. President Essmann appointed: 4/19/2013

Senator Wittich, Chair
Senator Boulanger
Senator Malek

Senator Vincent moved consideration of **SR 40** be passed to Monday, April 22, 2013, the eighty-fifth legislative day. Without objection, so ordered.

Senator Priest moved consideration of **SR 49** be passed to Monday, April 22, 2013, the eighty-fifth legislative day. Without objection, so ordered.

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Senator Webb moved to suspend the rules to allow for reconsideration of **HB 251**. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Murphy, Olson, Peterson, Phillips, Sales, Sesso, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Webb, Windy Boy.

Total 36

Nays: Augare, Barrett Debby, Fielder, Moore, Priest, Ripley, Rosendale, Sonju, Stewart-Peregoy, Taylor, Thomas, Walker, Wittich, Mr. President.

Total 14

Absent or not voting: None.

Total 0

Excused: None.

Total 0

FIRST READING AND COMMITMENT OF BILLS

The following House joint resolutions were introduced, read first time, and referred to committees:

HJR 25, introduced by Reichner, referred to Business, Labor, and Economic Affairs.

HJR 27, introduced by Williams, referred to Natural Resources.

HJR 29, introduced by Gursky, Arntzen, Laszloffy, referred to Judiciary.

HJR 30, introduced by Hansen, referred to Education and Cultural Resources.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

Senator Wanzenried excused at this time.

SR 55 adopted as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Sesso, Sonju, Stewart-Peregoy, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Webb, Windy Boy, Mr. President.

Total 42

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Nays: Barrett Debby, Fielder, Ripley, Rosendale, Sales, Taylor, Wittich.

Total 7

Absent or not voting: None.

Total 0

Excused: Wanzenried.

Total 1

HB 417 concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Larsen, Lewis, Malek, Moore, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Webb, Windy Boy, Wittich, Mr. President.

Total 47

Nays: Keane, Murphy.

Total 2

Absent or not voting: None.

Total 0

Excused: Wanzenried.

Total 1

SB 410 passed as follows:

Yeas: Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Brenden, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sesso, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Webb, Windy Boy.

Total 38

Nays: Arntzen, Boulanger, D. Brown, Fielder, Moore, Sales, Sonju, Vincent, Walker, Wittich, Mr. President.

Total 11

Absent or not voting: None.

Total 0

Excused: Wanzenried.

Total 1

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HB 74 concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Webb, Windy Boy, Wittich, Mr. President.

Total 47

Nays: Murphy, Sales.

Total 2

Absent or not voting: None.

Total 0

Excused: Wanzenried.

Total 1

HB 48 concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Webb, Windy Boy, Wittich, Mr. President.

Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Wanzenried.

Total 1

SB 405, as amended by the House, passed as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Jackson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Wittich, Mr. President.

Total 29

Nays: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Windy Boy.

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Total 20

Absent or not voting: None.

Total 0

Excused: Wanzenried.

Total 1

SB 408, as amended by the House, passed as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Jackson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Wittich, Mr. President.

Total 29

Nays: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Windy Boy.

Total 20

Absent or not voting: None.

Total 0

Excused: Wanzenried.

Total 1

SB 19, as amended by the Governor, passed as follows:

Yeas: Arthun, Augare, Barrett Dick, Blewett, Brenden, T. Brown, Caferro, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Peterson, Phillips, Priest, Ripley, Sesso, Stewart-Peregoy, Taylor, Tropila, Vincent, Vuckovich, Windy Boy.

Total 32

Nays: Arntzen, Barrett Debby, Boulanger, D. Brown, Buttrey, Driscoll, Olson, Rosendale, Sales, Sonju, Thomas, Tutvedt, Van Dyk, Walker, Webb, Wittich, Mr. President.

Total 17

Absent or not voting: None.

Total 0

Excused: Wanzenried.

Total 1

SB 280, as amended by the House, passed as follows:

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Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Webb, Windy Boy, Wittich, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Wanzenried.
Total 1

Senator Wanzenried present at this time.

SB 264, as amended by the House, passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Vuckovich, Wanzenried, Webb, Windy Boy.
Total 41

Nays: Fielder, Priest, Sales, Sesso, Van Dyk, Vincent, Walker, Wittich, Mr. President.
Total 9

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 175, as amended by the House, passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Windy Boy, Wittich, Mr. President.
Total 46

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Nays: Brenden, D. Brown, Sales, Webb.

Total 4

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 369, as amended by the House, passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.

Total 49

Nays: Phillips.

Total 1

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 265, as amended by the House, passed as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Hamlett, Jackson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Rosendale, Sonju, Taylor, Thomas, Vincent, Walker, Webb, Wittich, Mr. President.

Total 27

Nays: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Ripley, Sales, Sesso, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy.

Total 23

Absent or not voting: None.

Total 0

Excused: None.

Total 0

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SB 392, as amended by the House, passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.

Total 47

Nays: Moore, Phillips, Walker.

Total 3

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 347, as amended by the House, passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Keane, Lewis, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Webb, Wittich, Mr. President.

Total 39

Nays: Barrett Dick, Caferro, Driscoll, Facey, Kaufmann, Larsen, Malek, Sesso, Stewart-Peregoy, Wanzenried, Windy Boy.

Total 11

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Senator Wittich moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Brenden in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

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SJR 29 - Senator Phillips moved **SJR 29** do pass. Motion carried as follows:

Yeas: Arntzen, Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Olson, Peterson, Phillips, Sesso, Sonju, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 29

Nays: Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Moore, Murphy, Priest, Ripley, Rosendale, Sales, Taylor, Thomas, Vincent, Walker, Webb, Wittich, Mr. President.
Total 21

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 599 - Senator Webb moved **HB 599** be concurred in. Motion **failed** as follows:

Yeas: Arntzen, Arthun, Boulanger, D. Brown, Buttrey, Fielder, Jent, Jones, Lewis, Moore, Murphy, Olson, Priest, Rosendale, Sonju, Taylor, Walker, Webb.
Total 18

Nays: Augare, Barrett Debby, Barrett Dick, Blewett, Brenden, T. Brown, Caferro, Driscoll, Facey, Hamlett, Jackson, Jergeson, Kaufmann, Keane, Larsen, Malek, Peterson, Phillips, Ripley, Sales, Sesso, Stewart-Peregoy, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Windy Boy, Wittich, Mr. President.
Total 32

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 599 - Senator Keane moved **HB 599** be **indefinitely postponed**. Motion carried as follows:

Yeas: Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Windy Boy, Wittich, Mr. President.
Total 44

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Nays: Arntzen, D. Brown, Fielder, Priest, Walker, Webb.

Total 6

Absent or not voting: None.

Total 0

Excused: None.

Total 0

Senator Thomas excused at this time.

SJR 33 - Senator Ripley moved **SJR 33** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jones, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Webb, Windy Boy, Wittich, Mr. President.

Total 44

Nays: Blewett, Jergeson, Kaufmann, Keane, Wanzenried.

Total 5

Absent or not voting: None.

Total 0

Excused: Thomas.

Total 1

HB 205 - Senator Vincent moved **HB 205** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Hamlett, Jackson, Jones, Lewis, Moore, Murphy, Olson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Windy Boy, Wittich, Mr. President.

Total 30

Nays: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Peterson, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried.

Total 20

Paired: Thomas, Aye; Wanzenried, No.

Absent or not voting: None.

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Total 0

Excused: None.

Total 0

HB 555 - Senator Murphy moved **HB 555** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.

Total 46

Nays: Caferro, Kaufmann, Keane.

Total 3

Absent or not voting: None.

Total 0

Excused: Thomas.

Total 1

SB 201 - House Amendments - Senator Hamlett moved House amendments to **SB 201** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.

Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Thomas.

Total 1

Senator Wittich moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Essmann presiding. Chair Brenden moved the Committee of the Whole report be adopted. Report adopted as follows:

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Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 46

Nays: Larsen, Sesso, Stewart-Peregoy.
Total 3

Absent or not voting: None.
Total 0

Excused: Thomas.
Total 1

SPECIAL ORDERS OF THE DAY

SR 31 - Senator Peterson moved the nominations transmitted by the Governor be confirmed by the Senate in accordance with **SR 31**. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Thomas.
Total 1

Senator Priest excused at this time.

SR 61 - Senator Arntzen moved the nominations transmitted by the Governor be confirmed by the Senate in accordance with **SR 61**. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips,

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Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Priest, Thomas.
Total 2

SR 62 - Senator Arntzen moved the nominations transmitted by the Governor be confirmed by the Senate in accordance with **SR 62**. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Priest, Thomas.
Total 2

SR 72 - Senator Peterson moved the nomination transmitted by the Governor be confirmed by the Senate in accordance with **SR 72**. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 48

Nays: None.
Total 0

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Absent or not voting: None.

Total 0

Excused: Priest, Thomas.

Total 2

Senator Taylor thanked the Pages for their service this week.

Senators Lewis and Murphy made their farewell remarks to the Senate.

MOTIONS

Senator Debby Barrett moved to change her vote on **SB 175** from No to Yes. Without objection, so ordered.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Wittich moved that the Senate adjourn until 8:00 a.m., Saturday, April 20, 2013, the eighty-fourth legislative day . Motion carried.

Senate adjourned at 2:28 p.m.

MARILYN MILLER
Secretary of the Senate

JEFF ESSMANN
President of the Senate